

FILED

JUL 19 2013

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 108 DEPUTY CLERK
RT

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

1: 1 3 CV 0 0 1 1 2 2 LJ0 SK0

LEONARD BROWN

Plaintiff,

V.

U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION,

Defendant.

) COMPLAINT UNDER FREEDOM OF INFORMATION ACT
) (FOIA), PURSUANT TO 5 U.S.C. § 552(a)(4)(B),
) MEMORANDUM IN SUPPORT OF COMPLAINT; TO IN-
) CLUDE AFFIDAVIT AND EX. A-B AND C

COMES NOW THE Plaintiff Leonard Brown Pro Se, and pursuant to 5 U.S.C. § 552(a)(4)(B), respectfully moves the court for an order that the United States Justice Department, Drug Enforcement Administration (DEA), release requested unredacted documents that are not exempt under 5 U.S.C. § 552(b)(7)(C), or submit a Vaughn index. based on the fact that there is a public interest in the alleged Government wrongdoing, related to an intentional violation of the 4th Amendment, where the Government has committed perjury and fraud upon the court in the concealment of Hilliard Hughes' status as a secret informant in order to fraudulently establish necessity for the TT7 wiretap request. The Government's illegal activity of concealing Hughes' status as an informant can be confirmed in the unredacted EX. A at p. 3, para. 8.

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JUL 19 2013

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

Plaintiff's complaint under Freedom of Information Act (FOIA) pursuant to 5 U.S.C. § 552(a)(4)(B), is based on the attached memorandum and points of authorities, and any further evidence that the court may wish to consider.

Dated: *July 5, 2013*

Respectfully submitted,

Leonard Brown
Leonard Brown Pro Se
Reg. No. 25641-112
P.O. Box 7001 Unit A4C
Taft, CA. 83268

STATEMENT OF FACTS

On or about December 27, 2012, I filed a Freedom of Information/Privacy Act (FOI/PA) request, addressed to the Drug Enforcement Administration (DEA), I requested the unredacted January 13, 2004, DEA-6 report of investigation pertaining to the proffer of government witness Hilliard Hughes. I provided the DEA with a copy of the redacted January 13, 2004 DEA-6 report of investigation. On or about January 28, 2013, I received a letter from the Drug Enforcement Administration FOI/Records Management Section located at 8701 Morrisette Drive, Springfield, Virginia 22152, the letter indicated the case number 13-00159-F, and informed of DEA's denial of my FOIA request. On or about February 14, 2013, I filed an appeal to the Office of Information Policy. On or about March 05, 2013, I received a letter from the Office of Information Policy which informed me of the assigned appeal number AP-2013-02144. On or about June 26, 2013, I received a letter from the Office of Information Policy which affirmed, on "modified grounds," DEA's action on my FOIA request, pursuant to 5 U.S.C. § 552(b)(7)(C).

ARGUMENT

Plaintiff Brown argues that Exemption 7(C) does not apply because disclosure of the unredacted five page January 13, 2004, DEA-6 report of investigation pertaining to the proffer of government witness Hilliard Hughes would not reasonably be expected to constitute a clearly unwarranted invasion of personal Privacy based on the following: The generic information in the requested document in paragraph 2, pertains to Hughes' relationship with Derrick Finney, paragraph 3, pertains to Hughes' relationship with Gregory Edison, and paragraph 8, pertains to the answer of what caused

Hughes to be in Moreno Valley at Prince Bryd's home when the PMB was seized from him.

Plaintiff Brown argues, However, that generic information in paragraphs 2, 3, and 8 can be disclosed without invading the privacy interests of Hughes are any other persons, based on the fact that the redacted answers to the questions in para. 2, 3, and 8 do not require Hughes to provide any personal information related to any persons address, date of birth, height, weight, eye color, or social security number, but the redacted January 13, 2004, DEA-6 report of investigation does in fact reveal the G-DEP identifier number of YNL2P, the name of Derrick Finney at para. 2, the name of Gregory Edison at para. 3, the name of Prince Bryd at para. 8, and the name of Hilliard Hughes at para. 1-12. see (EX. A)

Plaintiff Brown argues that the DEA has failed to demonstrate how the disclosure of the requested documents could reasonably be expected to constitute an invasion of any particular individuals privacy, based on the fact that the DEA has failed to provide a Vaughn index in order to adequately describe each redaction, state the exemption claimed for each redaction, and explain why the exemption is relevant.

VAUGHN INDEX REQUIREMENT

Government agencies seeking to withhold documents requested under FOIA are required to supply the opposing party and the court with a "Vaughn index," identifying "each document withheld, the statutory exemption claimed, and a particularized explanation of how disclosure of the particular document would damage the interest protected by the claimed exemption." Wiener v. FBI., 972, 977 (9th Cir. 1991). In meeting this burden. "the government may not rely upon conclusory and generalized allegations of exemptions." Church of Scientology of Cal. v. U.S. Dept. of the Army, 611 F.2d 738 742 (9th Cir. 1980) (quoting Vaughn v. Rosen, 484 F.2d 820, 826, 157 U.S. App. D.C. 340 (D.C. Cir. 1973)).

The Vaughn index is intended to remedy the quandary faced by a party requesting documents under FOIA. In non-FOIA cases, "rules of discovery give each party access to the evidence upon which the court will rely in resolving the dispute between them." Wiener, 943 F.2d at 977. In a FOIA case, however, the issue is whether one party will disclose documents to the other party. *Id.* Thus, only the party opposing disclosure has "access to all the facts." *Id.* "This lack of knowledge by the party seeking disclosure seriously distorts the traditional adversary nature of our legal system." *Id.* (quoting Vaughn v. Rosen, 484 F.2d 820, 824, 157 U.S. App. D.C. 340 (D.C. Cir. 1973)). The party requesting disclosure is forced to rely upon his adversary's representations as to the material withheld, and the court is denied "the benefit of informed advocacy to draw its attention to the weaknesses in the withholding agency's arguments." *Id.* The purposes of the index is thus to "afford the FOIA requester a meaningful opportunity to contest, and the district court an adequate foundation to review, the soundness of the withholding." *Id.*

A Vaughn index should satisfy the following requirements: "(1) The index should be contained in one document, complete in itself; (2) The index must adequately describe each withheld document or deletion from a released document; (3) The index must state the exemption claimed for each deletion or withheld document, and explain why the exemption is relevant." Voinche v. F.B.I., 412 F. Supp. 2d 60, 65 (D. D.C. 2006). "Specificity is the defining requirement of the Vaughn index." *Id.* at 979. The agency must disclose "as much information as possible without thwarting the claimed exemption's purpose."

Plaintiff Brown argues that the district court should order the DEA to now move on to the next step and produce a Vaughn index, based on the fact that the DEA is relying upon conclusory and generalized allegations of exemption § 552(b)(7)(C).

GOVERNMENT IMPROPRIETY

Plaintiff Brown argues that he produced evidence that would warrant a belief by a reasonable person that the alleged Government impropriety might have occurred, and there is an overriding public interest in the disclosure of the unredacted January 13, 2004, DEA-6 report of investigation pertaining to the proffer of Government Hilliard Hughes, which is supported by the following facts: 1) The DEA and Prosecuting Attorney have committed perjury and fraud upon the Court by stating that Hilliard Hughes was not an informant for the DEA during the 2002-2003 PCP investigation of Brown, see (EX. C at p. 4), 2) The DEA and Prosecuting Attorney fraudulently concealed the fact that DEA Special agent Bradley Clemmer found a PCP lab in Hughes' mother's garage on January 24, 2003, 3) The January 13, 2004, DEA-6 report of investigation demonstrates that Hughes did in fact confirm that the PCP lab found in his mother's garage was his, see (EX. A at p. 4, para. 11), 4) SA Clemmer's discovery of the PCP lab was not reported in the January 24, 2003, DEA-6 report of investigation or the February 12, 2003, Target Telephone 7 Len LNU wiretap application in order to fraudulently conceal the fact that the DEA successfully persuaded Hughes to become a secret informant, by allowing Hughes to dispose of the PCP lab in order to avoid prosecution for possession of the PCP lab, 5) The disclosure of the unredacted January 13, 2004, DEA-6 report of investigation will reveal that the DEA did in fact cause Hughes to be in Moreno Valley as an informant at Prince Byrd's home when the PMB was seized from Hughes in the summer of 2003, which occurred after SA Clemmer's first seizure of PMB from Hughes took place on January 24, 2003, see (EX. A at p. 1, para. 1 and p. 3, para. 8), and 6) There has been a violation of the Fourth Amendment as a result of the DEA and Prosecuting Attorney fraudulently concealing Hilliard Hughes's status as a secret informant during the 2002-2003 PCP investigation of Plaintiff Brown in order to

fraudulently establish necessity for the illegal February 12, 2003, Target Telephone 7 Len LNU wiretap, which was supported by an affidavit that contained intentional and reckless material omissions and misstatements related to the questioning of Hilliard Hughes and the DEA's claim that it did not have any confidential sources or informants that could fully identify Len LNU (last name unknown) aka Leonard Brown, that there were no confidential sources or informants to assist the DEA with physical surveillance of Len LNU, and that the TT7 wiretap was necessary to fully identify Len LNU. This was untrue, based on the fact that Hughes was Len aka Brown's business associate at the time that the PCP lab was discovered in Hughes' mother's garage on January 24, 2003, Hughes knew about Len's illegal activities, and Hughes knew Len's full identity as Leonard Brown, subsequently after being indicted and arrested in September 2003, Hughes immediately became a Government witness, which was predicated by the secret deal offered by the Government that it would not charge Hughes with possession of the PCP lab found in his mother's garage of January 24, 2003, which obviously was not reported or seized by the DEA in order to gain Hughes' cooperation as a secret informant prior to obtaining the February 12, 2003, Target Telephone 7 Len LNU wiretap request.

Plaintiff Brown argues that the disclosure of the requested unredacted information to him, is in the overriding public interest because Prosecutorial misconduct may have occurred and if it did, Mr. Brown and co-defendant Bobby Thompson may have been wrongfully convicted as a result of an illegal wiretap, which was supported by the DEA and Prosecuting Attorney committing perjury and fraud upon the court, related to the concealment of Hilliard Hughes' status as a secret informant during the TT7 wiretap request, Brown's pre-sentence plea withdrawal motion, Brown's § 2255 proceedings and co-defendant Bobby Thompson's § 2255 proceedings. Therefore, it is reasonable to conclude that Brown has at a minimum produced evidence that would warrant a belief by a reasonable person that the alleged Government impropriety might have occurred,

under the test outlined in National Archives & Records Admin. v. Favish, 541 U.S. at 174.

CONCLUSION

For the foregoing reasons, Mr Brown respectfully requests that the District Court issue an order, that the United States Justice Department, Drug Enforcement Administration (DEA), submit a Vaughn index or release the requested unredacted January 13, 2004, DEA-6 report of investigation, because there is a public interest in the alleged Government impropriety, related to a 4th Amendment violation.

For the points of authorities and reasons stated herein, the requested documents would not reasonably be expected to constitute a clearly unwarranted invasion of Hilliard Hughes' person privacy or any other persons, based on the fact that the Government only asked Hughes questions related to his PCP related activities, which did not appear to relate to any personal information, and there is the fact that Hughes was scheduled to testify at co-defendant Bobby Thompson's trial regarding the facts contained in the redacted January 13, 2004, DEA-6 report of investigation, but the Government tactical chose not to call Hughes as a witness, in order to escape its obligation to produce the unredacted DEA-6 report of investigation pursuant to F.R.C.P. 116. Therefore, the requested documents are not exempt under 5 U.S.C. § 552(b)(7)(C). see (EX. B)

Dated: July 5, 2013

Respectfully submitted,

Leonard Brown
Leonard Brown Pro Se
Reg. No. 25641-112
P.O. Box 7001
Taft, CA. 93268

EXHIBIT A

17:36

DEH GROUP 43

213-113-0000

Department of Justice
Drug Enforcement Administration

REPORT OF INVESTIGATION

Page 1 of 5

1. Program Code D-100	2. Cross File ☐	Related Files	3. File No. R1-02-0104	4. G-DEP Identifier YNL2P
5. By: Bradley Clemmer, S/A At Los Angeles, CA.	☐		6. File Title AIKENS, Gerald	
7. ☐ Closed ☐ Requested Action Completed ☐ Action Requested By:	☐		8. Date Prepared 01/13/04	
9. Other Officers: A/GS John J. Sieder and AUSA Janet Hudson				
10. Report Re: Proffer of Hilliard Hughes on January 13, 2004				

SYNOPSIS

On January 13, 2004, at approximately 11:30 a.m., S/A Brad Clemmer, A/GS John Sieder and Janet Hudson conducted a proffer of Hilliard HUGHES related to his PCP related activities. Present at this proffer was Defense Attorney Mark Bloodstein.

DETAILS

1. AUSA Janet Hudson explained the indictment to Hilliard HUGHES. AUSA asked HUGHES who he was getting his chemicals from. HUGHES stated the he was getting his ~~PMB from Chris NEWSOM~~. HUGHES stated that on ~~January 24, 2003 when he was stopped with the PMB it was going to be delivered to Dave Thomas~~. According to HUGHES, NEWSOM had received THOMAS's money prior to the PMB being seized in January 2003. HUGHES also explained that the debt to THOMAS went away when THOMAS was shot to death. AUSA Hudson asked HUGHES when had he meet THOMAS. HUGHES stated that he had known THOMAS for about three years. According to HUGHES THOMAS was a cook. AUSA Hudson asked how he was introduced to THOMAS. HUGHES did not answer. HUGHES

11. Distribution: Division	12. Signature (Agent) Bradley Clemmer, S/A	13. Date 4/6/04
District	14. Approved (Name and Title) Steven S. Woodland GS	15. Date 4/6/04
Other		

DEA Form - 6
J. 1996)
bgc

DEA SENSITIVE
Drug Enforcement Administration

WT

This report is the property of the Drug Enforcement Administration.
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 8/94 may be used.

REPORT OF INVESTIGATION

(Continuation)

1. File No.
R1-02-0104

2. G-DEP Identifier
YNL2P

3. File Title
AIKENS, Gerald

4.
Page 3 of 5

5. Program Code
OCD-100

6. Date Prepared
01/13/04

five thousand dollars per gallon; Ether is between six hundred dollars and one thousand dollars;

5. AUSA Hudson asked HUGHES if he knew "KNOB" [REDACTED]
[REDACTED]
6. A/GS John Sieder asked HUGHES if he knew Bobby THOMPSON. HUGHES stated that he had meet through Leonard BROWN. Additionally, HUGHES said that he did not know if very well. *Walter*
7. A/GS SIEDER asked HUGHES if he knew where the Pipe and PMB was coming from. HUGHES stated that he did not know where it was being obtained.
8. A/GS John Sieder asked HUGHES what caused him to be in Moreno Valley at Prince BYRD's home when the PMB was seized from him. [REDACTED]
[REDACTED]
9. A/GS Sieder asked HUGHES who are the top PCP cooks for both quality and quantity. [REDACTED]
[REDACTED]
10. A/GS Sieder showed HUGHES several photo's. HUGHES identified one of the individuals as [REDACTED] top cook. [REDACTED]
[REDACTED] A/GS asked HUGHES how long had he been using Chris NEWSOM as a chemical source of supply (SOS). HUGHES stated that he had been using NEWSOM for a couple of years. HUGHES also stated that he used MURPHY as a source for chemicals. According to HUGHES BROWN had obtained black pipe (Home made). HUGHES was asked if he knew of anyone who had a Hydrogenator (Used for making piperidine). HUGHES stated that he believed MURPHY had a Hydrogenator. S/A

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DEA GROUP 45

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U.S. Department of Justice
Drug Enforcement Administration**REPORT OF INVESTIGATION**

(Continuation)

1. FBO No.

R1-02-0104

2. G-DEP Identifier

YNL2P

3. File Title

AIKENS, Gerald

4.
Page 4 of 55. Program Code
OCD-1006. Date Prepared
01/13/04

Clemmer asked HUGHES if he had ever been to MURPHY's home on [REDACTED]. HUGHES said he had been to MURPHY's home. S/A Clemmer asked HUGHES if he had ever seen chemicals or PCP at MURPHY's house. HUGHES related that he had seen three to four gallons of PCP at MURPHY's home, date and time unknown. A/GS Sieder asked HUGHES if he had heard about MURPHY's PCP lab being seized in Riverside. HUGHES stated that MURPHY had told him about it and that it was his and EDISON's. A/GS Sieder asked HUGHES if MURPHY had related how big the lab was. According to HUGHES, MURPHY only related that he took a loss and that he needed to borrow money. HUGHES said gave MURPHY five hundred dollars.

11. S/A Clemmer asked HUGHES if he knew "JJ" [REDACTED]. HUGHES stated that he knows him but not very well. S/A Clemmer asked HUGHES if the PCP lab found in his mother's garage was his. HUGHES responded yes. S/A Clemmer asked HUGHES what the production capability of his PCP lab was. HUGHES responded it was five to six gallons.
12. A/GS Sieder asked HUGHES to explain which method he used to produce PCP. HUGHES stated that he used the new method.

INDEXING

1. NEWSON, Chris - [REDACTED]
2. THOMAS, Dave - [REDACTED]
3. TAYLOR, Robbie - [REDACTED]
4. STALLWORTH, David - [REDACTED]
5. FINNEY, Derrick - [REDACTED]
6. EDISON, Gregory - [REDACTED]
7. MURPHY, Andre - [REDACTED]
8. BROWN, Leonard - [REDACTED]
9. JOHNSON, Dwayne - [REDACTED]
10. THOMPSON, Bobbie - [REDACTED]
11. BYRD, Prince - [REDACTED]
12. RANSOM, James - [REDACTED]

EXHIBIT B

EXHIBIT B

AUSA Janet C. Hudson
AUSA Shannon P. Ryan
October 4, 2005

GOVERNMENT'S WITNESS LIST

United States v. Bobby Lee Thompson
CR 03-847(C)-ABC

1. Special Agent John Sieder
Drug Enforcement Administration
2. Special Agent Christopher Yohn
Drug Enforcement Administration
3. Special Agent Gregory Conners
Drug Enforcement Administration
4. Special Agent Brad Clemmer
Drug Enforcement Administration
5. Special Agent John Ryan
Drug Enforcement Administration
6. Hilliard Hughes
7. Custodian of Records
Southern California Edison ("SCE")
8. Detective Frank Lyga
Los Angeles Police Department
9. Detective James Kaiser
Los Angeles Police Department
10. Detective David Richardson
Los Angeles Police Department
11. Special Agent Thomas Cielecy
Drug Enforcement Administration
12. Custodian of Records
Los Angeles County Recorder's Office

EXHIBIT C

EXHIBIT C

DECLARATION OF CHRISTOPHER YOHN

I, Christopher Yohn, hereby declare and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration and have been so employed since January 2000. In 2002-2003 I was a member of HIDTA Group 45 and participated in a wiretap investigation of PCP manufacturers in the Los Angeles area.

2. As part of this investigation, the DEA applied for a wiretap of a telephone used by "Chris LNU," who was subsequently identified as Christopher Newson. Interception of Newson's phone pursuant to court order began on January 10, 2003, and terminated on February 8, 2003.

3. During the 30-day period of interception of Newson's phone, agents intercepted calls between Newson and an individual he referred to as "Len." From the intercepted calls, it appeared that Len was involved in supplying precursor chemicals used in the manufacture of PCP to PCP manufacturers.

4. During the period of interception of Newson's phone, the investigating agents did not know Len's true identity. We did know that Len was using a cellular phone subscribed to Shaunte Davis. However, I knew from my training and experience that drug traffickers frequently use cell phones that are subscribed in the name of third parties or fictitious names. The subscriber name may be an acquaintance, a former girlfriend, a family member, etc., or someone whose true identity and relationship to the target is never determined.

1 5. It is not the DEA's practice to attempt to question the
2 person listed as the subscriber for the telephone used by a
3 target during an investigation. The subscriber, who is likely
4 connected to the target in some way, is unlikely to be willing to
5 provide any useful information about the target to law
6 enforcement. An interview of the subscriber would most likely be
7 counterproductive, because there is a good chance that the
8 subscriber would tell the target about the law enforcement
9 investigation, thereby giving the target an incentive to flee or
10 redouble his efforts to conceal his identity and hide his illegal
11 activities.

12 6. Based on the calls intercepted on Newson's phone, the
13 investigating agents decided to seek a wiretap for Len's phone,
14 which was designated Target Telephone 7, or TT7. I began
15 preparing an affidavit in support of the application for a
16 wiretap for TT7 in the first half of February 2003. At that time
17 I did not have any information about the name Shaunte Davis and
18 had no reason to suspect, and no way of knowing, that she was the
19 ex-wife of Len or that they had children together.

20 7. In preparing the affidavit for the TT7 wiretap
21 application, I reviewed analyses of calls made by and to TT7.
22 These analyses were created by the DEA from phone company
23 records, for the purpose of trying to identify calls between TT7
24 and drug traffickers. Attached hereto is the first page of a
25 print-out showing phone numbers and subscribers in contact with
26 TT7 in late 2002 and early 2003. This print-out was run
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1 recently, for the purposes of this declaration, so it may not
2 correspond exactly to the information I had when I prepared the
3 wiretap affidavit, but it is substantially similar.

4 8. The type of information shown on the print-out would be
5 compiled in order to identify suspected drug traffickers who were
6 in contact with the target telephone. A DEA analyst would run
7 the phone numbers on the print-out through a DEA database to see
8 if those numbers had previously been identified as numbers used
9 by suspected drug traffickers. This information would then be
10 included in the wiretap affidavit. In my wiretap affidavit for
11 TT7, I included a toll analysis section in which I identified
12 four other telephones that had been in contact with TT7 and that
13 I believed were used by persons involved in PCP manufacturing.
14 The purpose of the toll analysis section was to support a showing
15 of probable cause to believe that conversations about illegal
16 drug activities would be intercepted on TT7.

17 9. I do not recall if I was aware, at the time I prepared
18 the affidavit, that on one occasion, Len made a call to Newson
19 using a phone that was not TT7. If I were aware of this fact, I
20 would not have included it in the wiretap affidavit because I
21 would not have considered it relevant to the issue of whether
22 there was probable cause to believe that drug-related calls would
23 be intercepted on TT7. I also would not have considered Len's
24 use of another telephone on one occasion to be evidence that Len
25 lived at the address for that other phone, because Len could have
26 made a call from the residence of any number of acquaintances.

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AFFIDAVIT OF LEONARD BROWN)

AFFIDAVIT OF LEONARD BROWN

I Leonard Brown, duly sworn according to law, do hereby depose and state:

I.

I am a federal inmate serving a term of 212 months of incarceration in prison, that I am currently a resident at TCI Camp in Taft, CA.

II.

That I hold personal knowledge of that which I am about to set forth, in order to support the claims stated within the Complaint, and I am willing to testify to these matters if the court or any party deems necessary.

III.

That on or about December 27, 2012, I filed a Freedom of Information/Privacy Act (FOI/PA) request, addressed to the Drug Enforcement Administration (DEA), I requested the unredacted January 13, 2004, DEA-6 report of investigation pertaining to the proffer of government witness Hilliard Hughes, I provided the (DEA) with a copy of the redacted January 13, 2004, DEA-6 report of investigation. *see (EX-A)*

IV.

On or about January 28, 2013, I received a letter from the Drug Enforcement FOI/Records Management Section located at 8701 Morrisette Drive, Springfield, Virginia 22152, the letter indicated the case number 13-00159-F, and informed me of the DEA's denial of my FOIA request.

V.

On or about February 14, 2013, I filed an appeal to the Office of Information Policy.

VI.

On or about March 05, 2013, I receive a letter from the Office of Information Policy, which informed me of the assigned appeal number AP-2013-02144.

AFFIDAVIT OF LEONARD BROWN

VII.

On or about June 26, 2013, I received a letter from the Office of Information Policy, which informed me that it had affirmed, on "modified grounds," DEA's action on my FOIA request, pursuant to 5 U.S.C. § 552(b)(7)(C).

VIII.

That the disclosure of the unredacted five page January 13, 2004, DEA-6 report of investigation pertaining to the proffer of Government witness Hilliard Hughes would not reasonably be expected to constitute a clearly unwarranted invasion of personal privacy, based on the fact that Hughes was answering questions that did not require him to provide any personal information. see (EX. A)

IX.

That the five page January 13, 2004, DEA-6 report of investigation specifically at paragraph 8 will reveal that Hughes was an informant and that the Government fraudulently concealed its use of Hilliard Hughes as a secret informant, in order to mislead the issuing wiretap Judge about the necessity for the TT7 wiretap and Hughes' ability to identify Len LNU as Leonard Brown, to assist in surveillance, to provide information about Len LNU aka Brown's illegal activities, and Hughes' willingness to testify as a Government witness, as a result of the PCP lab being found in his mother's garage on Jan. 24, 2003, which would have allowed the Government to accomplish the goals of its investigation without resorting to the wiretap. see (EX.B)

X.

That it is reasonable to conclude that the disclosure of the unredacted January 13, 2004, DEA-6 report of investigation is in the overriding public interest in order to expose the Government's impropriety to public scrutiny, so that the public may be aware of the Government's ability to intentionally violate the 4th Amendment.

AFFIDAVIT OF LEONARD BROWN

XI.

I will testify to these matters, as being true and correct under the penalty of perjury to my knowledge and belief, if the court or any party deems it necessary to conduct an evidentiary hearing.

XII.

That further I sayethanot.

Dated: this 5th day of July, 2013


Leonard Brown Pro Se
Reg. No. 25641-112
P.O. Box 7001 Unit A4C
Taft, CA. 93268